



## HOWARD COUNTY OFFICE OF COUNTY EXECUTIVE

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February 23, 2026

The Honorable William C. Smith, Jr., Chair  
Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, Maryland 21401

Re: **TESTIMONY IN SUPPORT of Senate Bill 180:** Judiciary – Interception of Oral Communications – Fair Housing Testing

Dear Chair Smith, Vice Chair Waldstreicher, and Members of the Committee:

I'm writing to share my strong support for Senate Bill 180 – Interception of Oral Communications – Fair Housing Testing (SB180). SB180 represents a crucial opportunity to make our current efforts to enforce fair housing protections more effective across Maryland.

As a recipient of federal housing funds, the Howard County Department of Housing and Community Development has a duty to “affirmatively further” the goals of the federal Fair Housing Act, such as eliminating illegal discrimination in the housing market. Housing discrimination is often not detectable by the victim. A property owner or manager might say homes are not available when, in fact, they are. They may show different homes to different people based on a characteristic protected under State and federal fair housing laws and a consumer would not be aware. [A recent report](#) found that complaints of housing discrimination have increased with disability-related discrimination being the most reported complaint, followed by discrimination based on race and national origin. Against this backdrop, it is more important than ever that Maryland strengthens its ability to detect, deter, and enforce fair housing laws.

Fair housing testing employs individuals to pose as prospective tenants or homeowners and who gather information to determine whether a provider is complying with state and federal laws related to fair housing. Repeated tests can show patterns of conduct that lead to fines and other enforcement actions, which serve as effective deterrents to illegal discrimination. Fair housing testing is crucial for detecting discrimination, enforcing fair housing laws, and evaluating the effectiveness of existing policies.

Howard County uses a portion of our federal Community Development Block Grant funds for paired testing. In 39 states, these trained testers can record their conversations with property owners and managers, and those recordings can be used to help enforce fair housing laws in court. It is important to note that housing providers are offering a product to the public, and their conduct is regulated by federal, State, and



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local fair housing laws. SB180 enables counties to better ensure that this conduct complies with federal, State, and local laws and protects tenants.

SB180 will:

- Strengthen fair housing enforcement & justice in Maryland. The ability to document test experiences through audio recordings provides incontrovertible evidence of illegal housing discrimination.
- Protect Testers and Housing Providers. Having an exact account of a conversation protects testers from any credibility or bias as well as protects housing providers from false allegations, misunderstandings, or faulty memories of testers.
- Efficiently Allocate Resources. Fair housing organizations save money because they can reduce the number of testers used, thereby using city, county, state, and federal funds more efficiently and effectively. The use of recorders also allows organizations to maintain the highest investigative standards.

There is no right to privacy that would preclude the implementation of this law. The Department of Justice's Civil Rights Division uses one party recorders in Maryland and across the country. These commercial discussions take place in commercial spaces so should not be considered private.

While it is possible to enforce fair housing laws in court based on careful notes from testers, it is often much more difficult. A judge may need to choose between the word of the testers and the housing provider. By allowing audio recordings during fair housing testing, we can better protect tenants and housing providers.

I commend Senator Sydnor for his leadership in introducing this important legislation. Passing SB180 will support our efforts to deter illegal housing discrimination. I respectfully urge the Committee's **support for SB180**.

Sincerely,

Calvin Ball  
Howard County Executive